

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TEXARKANA DIVISION**

**DISC LINK CORPORATION,**

**Plaintiff,**

**V.**

**ORACLE CORPORATION, SAP  
AMERICA, INC. d/b/a SAP AMERICAS,  
SAP AG, BENTLEY SYSTEMS, INC.,  
SPSS, INC., SOLIDWORKS  
CORPORATION, CMS PRODUCTS,  
INC., SONIC SOLUTIONS, COREL  
CORPORATION, COREL, INC., MISYS  
PLC, ADTRAN, INC., EASTMAN  
KODAK COMPANY, CA, INC., UGS  
CORP., NUANCE COMMUNICATIONS,  
INC., KOFAX IMAGE PRODUCTS, INC.,  
BUSINESS OBJECTS AMERICAS,  
BUSINESS OBJECTS SA, TREND  
MICRO INCORPORATED, TREND  
MICRO INCORPORATED  
(CALIFORNIA CORPORATION), EMC  
CORPORATION, BORLAND  
SOFTWARE CORPORATION, NOVELL,  
INC., PALO ALTO SOFTWARE, INC.,  
ALTERA CORPORATION,  
COMPUWARE CORPORATION and  
AVID TECHNOLOGY, INC.,**

## Defendants.

**CIVIL ACTION NO. 5:07-cv-58**

## JURY TRIAL DEMANDED

## ORIGINAL COMPLAINT

Plaintiff DISC LINK CORPORATION files this Complaint against Defendants ORACLE CORPORATION, SAP AMERICA, INC. d/b/a SAP AMERICAS, SAP AG, BENTLEY SYSTEMS, INC., SPSS, INC., SOLIDWORKS CORPORATION, CMS PRODUCTS, INC., SONIC SOLUTIONS, COREL CORPORATION, COREL, INC., MISYS PLC, ADTRAN, INC.,

EASTMAN KODAK COMPANY, CA, INC., UGS CORP., NUANCE COMMUNICATIONS, INC., KOFAX IMAGE PRODUCTS, INC., BUSINESS OBJECTS AMERICAS, BUSINESS OBJECTS SA, TREND MICRO INCORPORATED, TREND MICRO INCORPORATED (CALIFORNIA CORPORATION), EMC CORPORATION, BORLAND SOFTWARE CORPORATION, NOVELL, INC., PALO ALTO SOFTWARE, INC., ALTERA CORPORATION, COMPUWARE CORPORATION and AVID TECHNOLOGY, INC., alleging as follows:

**I. THE PARTIES**

1. Plaintiff DISC LINK CORPORATION (“Disc Link”) is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business in Newport Beach, California.

2. Upon information and belief, ORACLE CORPORATION (“Oracle”) is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business located in Redwood City, CA. Oracle may be served with process by serving its registered agent, Corporation Service Company dba CSC – Lawyers Incorporating Service Company, 701 Brazos Street, Suite 150, Austin, Texas 78701.

3. Upon information and belief, SAP AMERICA, INC. d/b/a SAP AMERICAS (“SAP Americas”) is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business located in Newtown Square, PA. SAP Americas may be served with process by serving its registered agent, CT Corp. System, 350 N. St. Paul Street, Dallas, Texas 75201.

4. Upon information and belief, SAP AG (“SAP”) is a corporation organized and existing under the laws of Germany, with its principal places of business located in Waldorf, Germany. SAP engages in business in the State of Texas but, upon information and belief, does not

maintain a regular place of business in the State or a designated agent for service of process. Thus, pursuant to § 17.044 of the TEX. CIV. PRAC. & REM. CODE, SAP has designated the Secretary of State as its agent for service of process and may be served with process through its counsel or by serving the Secretary of State.

5. Upon information and belief, BENTLEY SYSTEMS, INC. (“Bentley”) is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business located in Exton, PA. Bentley may be served with process by serving its registered agent, CT Corp. System, 350 N. St. Paul Street, Dallas, Texas 75201.

6. Upon information and belief, SPSS, INC. (“SPSS”) is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business located in Chicago, IL. SPSS may be served with process by serving its registered agent, CT Corp. System, 350 N. St. Paul Street, Dallas, Texas 75201.

7. Upon information and belief, SOLIDWORKS CORPORATION (“SolidWorks”) is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business located in Concord, MA. SolidWorks may be served with process by serving its registered agent, CT Corp. System, 350 N. St. Paul Street, Dallas, Texas 75201.

8. Upon information and belief, CMS PRODUCTS, INC. (“CMS”) is a corporation organized and existing under the laws of the State of California, with its principal place of business located in Costa Mesa, CA. CMS may be served with process by serving its registered agent, Lon T. Stephens, Esq., Stephens & Kray, 5000 Birch Street, Suite 410, Newport Beach, CA 92660.

9. Upon information and belief, SONIC SOLUTIONS (“Sonic”) is a corporation organized and existing under the laws of the State of California, with its principal place of business

located in Novato, CA. Sonic may be served with process by serving its registered agent, A. Clay Leighton, 101 Rowland Way, Novato, CA 94945.

10. Upon information and belief, COREL CORPORATION (“Corel”) is a corporation organized and existing under the laws of Canada, with its principal places of business located in Ottawa, Ontario. Corel engages in business in the State of Texas but, upon information and belief, does not maintain a regular place of business in the State or a designated agent for service of process. Thus, pursuant to § 17.044 of the TEX. CIV. PRAC. & REM. CODE, Corel has designated the Secretary of State as its agent for service of process and may be served with process through its counsel or by serving the Secretary of State.

11. Upon information and belief, COREL, INC. (“Corel Inc.”) is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business located in Ottawa, Ontario. Corel Inc. may be served with process by serving its registered agent, CT Corp. System, 350 N. St. Paul Street, Dallas, Texas 75201.

12. Upon information and belief, MISYS PLC (“Misys”) is a corporation organized and existing under the laws of the United Kingdom, with its principal place of business located in London. Misys engages in business in the State of Texas but, upon information and belief, does not maintain a regular place of business in the State or a designated agent for service of process. Thus, pursuant to § 17.044 of the TEX. CIV. PRAC. & REM. CODE, Misys has designated the Secretary of State as its agent for service of process and may be served with process through its counsel or by serving the Secretary of State.

13. Upon information and belief, ADTRAN, INC. (“Adtran”) is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business located in

Huntsville, AL. Adtran may be served with process by serving its registered agent, CT Corp. System, 350 N. St. Paul Street, Dallas, Texas 75201.

14. Upon information and belief, EASTMAN KODAK COMPANY (“Kodak”) is a corporation organized and existing under the laws of the State of New Jersey, with its principal place of business located in Rochester, NY. Kodak may be served with process by serving its registered agent, CT Corp. System, 350 N. St. Paul Street, Dallas, Texas 75201.

15. Upon information and belief, CA, INC. (“CA”) is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business located in Islandia, NY. CA may be served with process by serving its registered agent, United States Corporation Co., 701 Brazos Street, Suite 1050, Austin, Texas 78701.

16. Upon information and belief, UGS CORP. (“UGS”) is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business located in Plano, TX. UGS may be served with process by serving its registered agent, Corporation Service Company dba CSC – Lawyers Incorporating Service Company, 701 Brazos Street, Suite 150, Austin, Texas 78701.

17. Upon information and belief, NUANCE COMMUNICATIONS, INC. (“Nuance”) is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business located in Peabody, MA. Nuance may be served with process by serving its registered agent, Corporation Service Company, 84 State Street, Boston, MA 02109.

18. Upon information and belief, KOFAX IMAGE PRODUCTS, INC (“Kofax”) is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business located in Irvine, CA. Kofax may be served with process by serving its registered agent, CT Corporation Systems, 350 North St. Paul Street, Dallas, Texas 75201.

19. Upon information and belief, BUSINESS OBJECTS AMERICAS (“Business Objects Americas”) is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business located in San Jose, CA. Business Objects Americas may be served with process by serving its registered agent, CT Corporation Systems, 350 North St. Paul Street, Dallas, Texas 75201.

20. Upon information and belief, BUSINESS OBJECTS SA (“Business Objects”) is a corporation organized and existing under the laws of France, with its principal places of business located in Levallois-Perret. Business Objects engages in business in the State of Texas but, upon information and belief, does not maintain a regular place of business in the State or a designated agent for service of process. Thus, pursuant to § 17.044 of the TEX. CIV. PRAC. & REM. CODE, Business Objects has designated the Secretary of State as its agent for service of process and may be served with process through its counsel or by serving the Secretary of State.

21. Upon information and belief, TREND MICRO INCORPORATED (“Trend Micro”) is a corporation organized and existing under the laws of Japan, with its principal places of business located in Tokyo. Trend Micro engages in business in the State of Texas but, upon information and belief, does not maintain a regular place of business in the State or a designated agent for service of process. Thus, pursuant to § 17.044 of the TEX. CIV. PRAC. & REM. CODE, TREND has designated the Secretary of State as its agent for service of process and may be served with process through its counsel or by serving the Secretary of State.

22. Upon information and belief, TREND MICRO INCORPORATED (CALIFORNIA CORPORATION) (“Trend Micro California”) is a corporation organized and existing under the laws of the State of California, with its principal place of business located in Cupertino, CA. Trend

Micro California may be served with process by serving its registered agent, Carolyn Bostick, 10101 North De Anza Boulevard, Cupertino, CA 95014.

23. Upon information and belief, EMC CORPORATION (“EMC”) is a corporation organized and existing under the laws of the State of Massachusetts, with its principal place of business located in Hopkinton, MA. EMC may be served with process by serving its registered agent, CT Corporation System, 350 N. St. Paul Street, Dallas, Texas 75201.

24. Upon information and belief, BORLAND SOFTWARE CORPORATION, (“Borland”) is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business located in Cupertino, CA. Borland may be served with process by serving its registered agent, CT Corporation Systems, 350 North St. Paul Street, Dallas, Texas 75201.

25. Upon information and belief, NOVELL, INC. (“Novell”) is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business located in Waltham, MA. Novell may be served with process by serving its registered agent, Corporation Service Company dba CSC – Lawyers Incorporating Service Company, 701 Brazos Street, Suite 150, Austin, Texas 78701.

26. Upon information and belief, PALO ALTO SOFTWARE, INC. (“Palo Alto”) is a corporation organized and existing under the laws of the State of Oregon, with its principal place of business located in Eugene, OR. Palo Alto may be served with process by serving its registered agent, Timothy Berry, 144 E. 14<sup>th</sup> Avenue, Eugene, OR 97401.

27. Upon information and belief, ALTERA CORPORATION (“Altera”) is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business located in San Jose, CA. Altera may be served with process by serving its registered agent,

Corporation Service Company dba CSC – Lawyers Incorporating Service Company, 701 Brazos Street, Suite 150, Austin, Texas 78701.

28. Upon information and belief, COMPUWARE CORPORATION (“Compuware”) is a corporation organized and existing under the laws of the State of Michigan, with its principal place of business located in Detroit, MI. Nuance may be served with process by serving its registered agent, CT Corp. System, 350 N. St. Paul Street, Dallas, Texas 75201.

29. Upon information and belief, AVID TECHNOLOGY, INC. (“Avid”) is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business located in Tewksbury, MA. Avid may be served with process by serving its registered agent, CT Corp. System, 350 N. St. Paul Street, Dallas, Texas 75201.

## **II. JURISDICTION AND VENUE**

30. This is an action for infringement of a United States patent. This Court has exclusive jurisdiction of such action under Title 28 U.S.C. § 1338(a).

31. Upon information and belief, Defendants each have minimum contacts with the Texarkana Division of the Eastern District of Texas such that this venue is a fair and reasonable one. Defendants have each committed such purposeful acts and/or transactions in Texas that they reasonably knew and expected that they could be haled into a court as a future consequence of such activity. Upon information and belief Defendants have transacted and, at the time of the filing of this Complaint, are transacting business within the Texarkana Division of the Eastern District of Texas. For these reasons, personal jurisdiction exists and venue is proper in this Court under 28 U.S.C. §§ 1391(b) and (c) and 28 U.S.C. § 1400(b).



### **III. PATENT INFRINGEMENT**

32. On November 6, 2001, United States Patent No. 6,314,574 (“the ‘574 patent”) was duly and legally issued for an “Information Distribution System.” A true and correct copy of the ‘574 patent is attached hereto as Exhibit “A” and made a part hereof. As it pertains to this lawsuit, the ‘574 patent relates to products distributed on portable, read-only storage devices — such as CD-ROMs — that include a link to retrieve additional data via the Internet.

33. On February 11, 2004, an *ex parte* request was made for the reexamination of the ‘574 patent. The Ex Parte Reexamination Certificate issued on July 25, 2006. A true and correct copy of the Certificate is attached hereto as Exhibit “B” and made a part hereof. The patentability of all claims of the ‘574 patent was confirmed. No amendments were made.

34. Disc Link is the owner of the ‘574 patent with the exclusive right to enforce the ‘574 patent against infringers, and collect damages for all relevant times, including the right to prosecute this action.

35. Upon information and belief, Defendants manufacture, make, have made, use, practice, import, provide, supply, distribute, sell, and/or offer for sale products and/or systems that infringe one or more claims in the ‘574 patent; and/or Defendants induce and/or contribute to the infringement of one or more of the claims in the ‘574 patent by others.

36. Disc Link has been damaged as a result of Defendants’ infringing conduct. Defendants are, thus, liable to Disc Link in an amount that adequately compensates it for their infringements, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

37. Excepting Defendants CMS, Misys, UGS, SolidWorks, and Avid, Disc Link notified each Defendant in writing (between August 2006 and January 2007) of their respective infringing conduct.

38. Those Defendants have knowingly and willfully infringed the '574 patent since at least the time of their notices and, upon information and belief, gained knowledge of their infringing conduct, and began willfully infringing the '574 patent, at a time prior to such notices.

#### **IV. JURY DEMAND**

Disc Link hereby requests a trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedure.

#### **V. PRAYER FOR RELIEF**

Disc Link requests that the Court find in its favor and against Defendants, and that the Court grant Disc Link the following relief:

- a. Judgment that one or more claims of United States Patent No. 6,314,574 have been infringed, either literally and/or under the doctrine of equivalents, by one or more Defendants and/or by others to whose infringement Defendants have contributed and/or by others whose infringement has been induced by Defendants;
- b. Judgment that Defendants account for and pay to Disc Link all damages to and costs incurred by Disc Link because of Defendants' infringing activities and other conduct complained of herein;
- c. That such damages be trebled as a result of Defendant's actions complained of herein;
- d. That Disc Link be granted pre-judgment and post-judgment interest on the damages caused to it by reason of Defendants' infringing activities and other conduct complained of herein;
- e. That this Court declare this an exceptional case and award Disc Link its reasonable attorney's fees and costs in accordance with 35 U.S.C. § 285; and
- g. That Disc Link be granted such other and further relief as the Court may deem just and proper under the circumstances.

**Dated: April 10, 2007**

Respectfully submitted,



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